Braille Monitor

JULY, 1976

VOICE OF THE NATIONAL FEDERATION OF THE BLIND

THE BRAILLE MONITOR

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THE BRAILLE MONITOR

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THE BRAILLE MONITOR
JULY 1976

CONTENTS

THE CONSUMER'S ROLE IN LIBRARY SERVICES FOR THE BLIND

BY

JAMES GASHEL

Editor's Note.—These remarks were delivered before the Biennial Meeting of Regional and Subregional Librarians, May 17, 1976.

The framers of our American system of government placed a premium on the principle of the sharing of power among several rather than the alternative of concentrating it in the hands of one supreme authority. The history books tell us that from the beginning of our constitutional experience down to roughly the beginning of the present century, the very foundation stone of American political theory was the notion that atomization of power is an indispensable condition for the liberty and well-being of all citizens. From a constitutional perspective, power was separated among several branches of government, divided between state and Nation, and restricted, wherever located, by guarantees for individual rights.

These are the principles embodied in our constitutional form of government, and they provide the philosophical base for any discussion of consumerism, especially as it relates to services provided by public agencies, such as those which most of you represent.

Nowhere are the attitudes of consumer involvement and maximum feasible participation more required than in library service since the aim is, or should be, to provide the right book for the right reader. To achieve this it is axiomatic that the librarian or librarians and the staff must be consumer oriented.

The extent to which citizen demand is the controlling force in library service for sighted readers is well known to all of you. Sighted readers (and most of you belong in that group) have a veritable avalanche of tempting titles available at almost every turn. If your neighborhood library has not yet received its copy of the latest best seller, it is probably available at the main library or another branch somewhere in the city. If the public library does not yet have it at all, perhaps the book can be found at a university library nearby and somehow you can arrange to borrow it. If the title simply cannot be borrowed anywhere near your home, you can probably buy it at a local bookstore, newsstand, or drug store. If none of these possibilities proves fruitful, there is always the Book-of-the-Month Club and other mail-order sales outlets.

The point is that whether we are talking about classical Greek literature, ancient mythologies, the poetry of the Renaissance, or contemporary American novels, the sighted reading public shouts, "I want! I want! I want!"—and the demand is met. It goes without saying, I think, that in the competitive circumstances which I have described, anyone (librarian or bookseller) who fails to measure up to the demand will not be in business much longer. In the case of the library, if the citizens find its services to be inadequate, if its book selection does not reflect their interests, if its staff is discourteous to them, its hours are inconvenient for them, or the location of the library is unsatisfactory in their view, these facts will be made known to those who

make public policy and approve budgets. It is a well known fact that if municipal or state budgets are going to be cut, the library is one of the first departments to feel the blade of the hatchet. So the rule is, keep the patrons satisfied.

When compared with library service to the sighted, library service to the blind in this country is at a relatively embryonic stage. Although the opening of the first library for the blind dates back to the mid-nineteenth century when in 1868 the Boston Public Library inaugurated service to the blind, by 1931 there were only approximately ten thousand blind persons borrowing books from a small number of libraries. In that year the Congress adopted the Pratt-Smoot Act, authorizing the Library of Congress to begin service to the blind and appropriating $100,000 for this purpose.

Originally, eighteen regional libraries were designated to provide direct service to blind borrowers in their respective areas, and this number, as you know, has now become fifty-four. In some instances the regional libraries have shown initiative and imagination, creating a quality of library service roughly comparable to that which is available to sighted readers from their public libraries nearby. These more energetic and aggressive libraries have emphasized collection development, regarding the books which they receive from the Division for the Blind and Physically Handicapped as one resource—not the only source. Such libraries spend a great deal of time and money stimulating the actual production of an equivalent number of titles to meet reader demand. One regional library actually produces, or causes to be produced, more titles annually than the Library of Congress itself.

At the other end of the spectrum are those regional and subregional libraries which have tended to see themselves as distributing centers for the Library of Congress Division for the Blind and Physically Handicapped. They maintain a collection which the Library of Congress generously provides with its budget of approximately $16 million, they fill borrowers' requests (or more often select books for them), and they refer all inquiries for service beyond that available through the Library of Congress to other community or national resources. Such libraries function mostly as warehouses and shipping depots, where seldom a customer is actually seen in the flesh. Like the Sears catalogue departments, they operate as a mail-order house, filling only those orders which supply permits.

These are the two ends of the continuum, and I will leave it to you to place your library service. Are you the creative, energetic type, or the warehouse and distributing center variety? Only your borrowers know for sure.

For my own part, I think there has been a tendency on the part of the libraries to look to the Division and to put the monkey on the Library of Congress' back. The Division, though, cannot be all things to all people. In an era gone by this may have been possible, but no more.

In the earlier part of the present century the opportunities for the blind were limited. Training in mobility was almost nonexistent; rehabilitation of the blind was not only unheard of, it was unthinkable. Employment was limited, and social acceptance could rarely be found. Reading material was almost never available, and only the more fortunate (those who had been taught to read one of the various forms employing

raised characters) had access to it. The talking book machine was yet to come. Also, by and large the blind were unable to communicate with one another to share problems and to agree upon solutions. In a word, they were not organized.

All of these conditions, plus many others too numerous to mention here, worked together to create a consumer population which could be satisfied with just about anything. With respect to library service, a leisure-time collection providing little in the form of intellectual challenge or stimulation was generally deemed appropriate, and nobody howled much because it was certainly better than what had come before. Consumer demand was generally satisfied.

During the intervening forty-five years, though, since the passage of the Pratt-Smoot Act, a number of changes have occurred which have altered the makeup and character of the consumer population.

In the first place, employment opportunities have increased markedly with the passage of the Randolph Sheppard Act in 1936 and the inclusion of the blind in Federal rehabilitation programs in 1943. Today we have the new concepts of affirmative action and nondiscrimination. Because of these laws and others, social acceptance of the blind has increased substantially. Public education programs have had their effect too, and the public has responded by gradually opening its doors.

Behind all of this, of course, is the fact that the blind, themselves, have organized into the National Federation of the Blind, starting in 1940. Organizing has given the blind a means of communicating with one another and of sharing common problems. It has also given us the ability to act collectively and to speak with one voice. Gains made in one part of the country can be attempted in other locations, and once any people have tasted victory, they will never go back.

What I am suggesting is that these changes have significance for libraries for the blind. As is the case with the sighted, the blind are beginning to express their legitimate consumer demand, saying, "I want! I want! I want!"—and they are not only saying it to their librarians. They are also saying it to the Congress, to the state legislatures, as well as to other policy-making bodies.

To paraphrase an old cliche, the blind people of today were not born yesterday. Now they are abroad in the land, working with the sighted, playing with the sighted, learning with the sighted, and competing with the sighted. Thus it is inevitable that the blind will be expecting their libraries to provide them with the services which most respectable libraries serving sighted readers offer. Increasingly there will be questions asked and some of those questions will be searching, with far-reaching implications. Some of the questions which the blind are now asking are the following:

(1) Historically, libraries are said to be the people's universities. Do you make your library service available in such a manner so as to fulfill this function—to meet the diversified educational needs of all consumers?

(2) Do you recognize the expectation of change afoot in the land today and respond not only in the best traditional manner but also with creative innovation and a willingness to listen to consumer requests for new methods of adapting services?

(3) Does your library still rely on the outmoded "book selector" system, or have you changed to the more modern concept of "reader's advisors," and of at least equal importance, do you recognize and appreciate the philosophical implications involved in the difference between these approaches?

(4) Have you established library orientation programs for your patrons which have the objective of teaching them how to use the library, or do you use the library for them because it seems easier to do it that way?

(5) Are you and your staff members in personal contact with each reader so as to be best aware of individual interests and needs? Do you have a WATS line available which enables the readers to contact the library to request personalized reading services?

(6) Do you make available services in addition to the distribution of the collection provided by the Library of Congress such as production of books upon individual request, provision of volunteer readers, preparation of special bibliographies in selected subject areas, research services, community classes, and other educational services?

(7) Do you make yourself and your staff available at state and local conventions of the organized blind—demonstrating services and discussing library and other issues?

(8) Does your library serve as an effective channel through which borrowers may communicate their desires and needs to the Library of Congress and to other providers of Braille and recorded materials?

(9) Do you solicit consumer input in the selection process prior to the actual selection, and do you have a well-publicized selection policy which has been hammered out with consumer participation?

(10) Are you responsive to consumer suggestions and complaints? are your board meetings open? and are your borrowers informed on issues such as budgetary needs and constraints?

(11) Are you aware that fewer than fifty percent of all persons eligible for services from the library actually use them? Do you investigate the cause of this apathy? Do you search out the reasons for possible dissatisfaction with library services?

(12) Have you come to recognize that blind readers obtain almost all of their reading matter from your library and have the right to expect the best in library services? In this connection have you broadened the selection of books and services available to reflect not only quantitative superiority but also qualitative superiority?

This is only a small sampling of the kinds of questions which your borrowers are beginning to ask themselves and you. Some of you could add many others to the list, and some of you have already demonstrated responsiveness to such questions. Others of you have not done so.

Not long ago I saw a questionnaire distributed among administrators of sheltered workshops in this country. It had the typical questions about professionalism and so forth, but near the end the question was raised, "Do you find that your blind clients are less grateful today for what you are doing for them than they were ten years ago?"

The question itself is revealing, and I would particularly call your attention to

the use of the term "grateful." You might ask yourself what kind of philosophy about blind people and their role in service to the blind it is which would produce such a question. Are the shoppers at a grocery store considered less grateful when they go to the management and ask that new products be placed on the shelves so that they can buy them? No, I think not. Are the patrons of a library for the sighted considered less grateful when they insist that certain books be added to the collection or that the hours of the library be changed to a more convenient schedule? No, generally they are not. In both cases we would characterize these consumers as organized citizens with a legitimate point of view.

And so it is with the blind. Today the blind are on the move, and they are asserting themselves in almost every walk of life. They are mobilizing to improve their services, and they are asking for your help and your partnership. Together we have a big job ahead if we are going to move library services to the blind to a point of comparability with services available to the sighted, but together we can and we will prevail. □

IMPLICATIONS OF VOCATIONAL EDUCATION FOR THE BLIND OF MARYLAND

BY
RALPH SANDERS

Editor's Note.—This paper was submitted by Ralph Sanders, president of Blind Industries and Services of Maryland, to the Vocational Education Council, April 20, 1976.

Blind Industries and Services of Maryland was established in 1908 by the State Assembly as a public, non-profit corporation. Today Blind Industries and Services of Maryland receives a State appropriation as a State-aided institution to assist it in carrying out its mandate.

The agency provides training and interim employment for blind citizens of Maryland who are preparing for careers in competitive industry. Blind Industries and Services of Maryland also provides long-term employment for blind persons for whom opportunity came too late or who have additional handicaps which make competitive employment unrealistic.

In carrying out our goal, we operate three production plants—in Cumberland, Salisbury, and at the headquarters location in West Baltimore. Our production lines produce a variety of products ranging from clothing items for use in State institutions to paper writing pads.

While Blind Industries and Services of Maryland has successfully carried out its mission of interim and long-term employment, we have not traditionally been very successful in providing adequate vocational education and training and placement of blind persons in competitive industry. It is in this context that I present these comments to you today.

Our current efforts are not directed at condemning the past. We are, instead, attempting to establish a new plan of action which will enable us to properly carry out our role of providing vocational training

for the adult blind population in Maryland. In this context we are reviewing our role in relation to all other providers of vocational training and education for the adult blind population of Maryland.

To this end let me make a few brief comments. It is my belief that blindness, in and of itself, is not the total limiting tragedy which it is generally thought to be by the general public. That it is a limitation cannot be disputed. I believe there is adequate data to prove, however, that the physical loss of sight is not a major deterrent to an individual's ability to perform competitively in any job for which he is otherwise capable and for which he has received adequate training. This is not a simple positive declaration or a well-twisted phrase. It is, I believe, a challenge to the current prevailing attitude about vocational training for blind persons.

The remaining important ingredient in this position is the necessity for a blind person to receive proper training in the alternative techniques of living and working as a blind person in a sighted society. Many blind persons have also been exposed to negative concepts of blindness and therefore must undergo attitudinal changes.

Blind Industries and Services of Maryland is uniquely qualified to provide training in alternative techniques which will enable the blind individual to work competitively in industry. We are also qualified to work with the blind individual in making the proper attitudinal adjustments. We are not, however, sufficiently large in facility, staff, or program to provide vocational education and training in all vocational areas which will be chosen by blind persons. Where skilled training is a necessary step in preparing for a certain type of employment, I believe we at Blind Industries and Services of Maryland, and thereby, the adult blind population, must be able to rely upon regular vocational education and training programs for service.

In many instances, we will be able to work with the blind individual in achieving job readiness status, but for us to staff up to meet the vocational interests of all blind persons would first be impossible, and most importantly it would be counter to the best interest of the taxpayers and to the blind persons we serve.

It is an expensive undertaking to develop adequately equipped and staffed vocational training centers and the broader the spectrum of the population which they can serve the more cost-effective their service becomes.

It only compounds the costliness of the vocational education system to develop duplicate programs based on superficial criteria.

I am not claiming that I have any reason to suspect that any particular training program has systematically ruled out blind persons for service, or that any of your plans would be based on an exclusionary premise. But I do believe that lack of understanding about the real nature of the problems brought about by blindness, along with the failure of Blind Industries and Services of Maryland to make the community aware of the capabilities of blind persons, has created an environment in which the blind have generally been excluded from participation in the broad stream of vocational training.

As we go forward in shaping the future of Blind Industries and Services of Maryland's role in providing vocational education and job placement, we will increasingly be

looking to the broadest spectrum of vocational training programs as a meaningful resource for blind persons in Maryland. We will be joining the clamor for ever-expanding technical and specialized training programs.

We will also be working hard to carry out our appropriate responsibility in providing vocational training and job placement. And we will work to make the vocational education community aware of our services and the needs of blind persons.

Our philosophy is founded on the principle that working cooperatively, the vocational education service deliverers can make a substantial impact on including all productively capable individuals in the labor force of the State. This inclusion will necessarily involve the blind. □

ADVOCATE FOR THE BLIND WORKS WITH BRAIN POWER

BY

BERNADETTE THOMASY

[Reprinted by courtesy of the *Toledo* (Ohio) *Blade.*]

Hermelinda Lopez de Miller had three strikes against her when she enrolled in adult education classes at Scott High School in 1966.

At twenty-one, she had only a third grade education, acquired in a hit-and-miss fashion while growing up in migrant camps. She spoke almost no English. And she was totally blind.

Nine years later, Mrs. Miller has finished high school equivalency work, earned a bachelor's degree in sociology from the University of Toledo, and recently started to work full-time at the Economic Opportunity Planning Association (EOPA) of Greater Toledo, Inc., as an advocacy coordinator for the blind.

A white cane sits in one corner of Mrs. Miller's office. She uses a Braille typewriter and tape recorder in her work but she explains that these are only tools that help her to perform the same job that a sighted person would.

"When a person loses his sight, he does not lose his ability to think," is a statement Mrs. Miller makes frequently as she tries to educate the public about the capabilities of the blind.

Across the country, more and more blind persons are using what Mrs. Miller calls "brain power" to handle jobs in the normal working world. Some are working as disk jockeys, scientists, teachers, social workers, electricians, welders, farmers, and computer programmers.

But convincing employers that a blind person, with training, can function as competently as a sighted person is not easy, Mrs. Miller learned when she was job hunting about a year ago.

"The sad thing is that a great deal of money is spent in training the blind, but not enough is done to help us find jobs, once we are trained. Instead of giving us money to live, more of us could be earning our own way," the social worker said.

Mrs. Miller, in a sense, created her own job at EOPA. The story of how she did it reflects the theme of self-help which is becoming more and more common among blind individuals who say that they, like persons who are not handicapped, have the right to make their own decisions.

Mrs. Miller was declared legally blind as a young child. At twenty, she was termed totally blind. Nine operations failed to correct her impairment.

Because local training was not available, the young woman went to the Pittsburgh Guild for the Blind for four months to learn mobility with a cane, Braille, typing, and home skills. When she returned to Toledo, she enrolled in adult education courses at Scott High School.

She recalls with gratitude the friends, volunteers, and also the people she hired to read textbooks to her. When she was a student at the University of Toledo, Mrs. Miller again needed readers to cover required textbook material and research topics.

After receiving a bachelor's degree in December of 1974, Mrs. Miller searched unsuccessfully for a job for four months. Finally, she applied at EOPA. There were no openings, but Maria Campos, administrative assistant of the migrant division of the office, suggested that Mrs. Miller work temporarily as a volunteer to show the agency and the community what she was capable of doing.

Mrs. Miller was able to accept the volunteer role since her husband, Douglas, who also is visually handicapped, had a full-time job with the welfare department. During the summer, one of Mrs. Miller's projects was visiting migrant workers, trying to instill in them the importance of getting training and education.

Through discussions with Mrs. Campos and others in the agency, Mrs. Miller began to develop the idea for an advocacy program for blind persons. With the help of the Toledo Federation of the Blind, Mrs. Miller obtained a list of names of visually handicapped people in the community and began conducting telephone interviews to survey their needs. She talked with eighty-five individuals, ranging in age from eighteen to ninety-two.

Among the primary needs identified were transportation on an individual basis, readers for the blind, and a re-education of the public, the blind, and their families about the rights and capabilities of the sightless. A committee was formed to write a proposal for the program, and although the program has not received funding, Mrs. Miller was hired in December by EOPA to begin work on it.

It is her task to serve as a go-between for blind individuals and the agencies who serve them. She plans to conduct workshops for agency staff members, outlining some of the new thinking concerning the visually handicapped. She hopes to discourage some of the paternalistic attitudes which she says exist in many traditional agencies that serve blind citizens.

She said that she considers sheltered workshops for the blind outdated because of the low pay which forces some workers to become charity cases when, perhaps, they could perform worthwhile tasks in the ordinary work setting. Mrs. Miller, who was employed in a sheltered workshop at one time, said that she found the work "mentally unhealthy for a person who is capable of doing other things."

Programs and services for the blind vary widely by state. Iowa, for example, has no sheltered workshops.

James Omvig, [staff] member of the Iowa Commission for the Blind, explained that the Commission works on the premise that "given the proper training, blind persons can work and compete successfully in the ordinary community.

"It is not just skill training that we provide, but attitude training. From early on, we try to instill confidence in blind persons' own abilities."

Mr. Omvig said in a telephone interview that while Iowa now is regarded as one of the leaders in training and providing opportunities for the blind, it was not always the case. In 1958, the Department of Health, Education, and Welfare evaluated the State program and termed it one of the worst in the country. But under the leadership of Dr. Kenneth Jernigan, Director of the Iowa Commission for the Blind and President of the National Federation of the Blind, the program has become one of the best in the country, he said.

Advocacy programs, such as the one in Toledo, Mr. Omvig said, may be a way of furthering opportunities for the blind. He added that Iowa has no advocacy program because there appears to be no need for it.

. . . . . .

Mrs. Miller would be happy to talk with blind persons in the community who feel that they need services and with volunteers or agencies who might be willing to offer them help. She may be reached through the main EOPA office, 1810 Madison Avenue. □

ILLINOIS CONFERENCE OF BLIND STUDENTS

The National Federation of the Blind has achieved another first! For the first time, a statewide conference of blind students has been held. The conference occurred at the Hotel St. Nicholas in Springfield, Illinois, Saturday and Sunday, March 27 and 28. Most of the conference participants arrived Friday evening to register and partake of hospitality. The conference commenced at 9:00 a.m. Saturday, with welcoming remarks from Allen Schaefer, president of the NFB of Illinois, and concluded at 12:45 p.m. Sunday.

On hand as special guests were five Federationists from neighboring states. John Taylor, Assistant Director in Charge of Field Operations, Iowa Commission for the Blind, stirred those in attendance with his presentation regarding the services which are reasonable to expect from the state vocational rehabilitation agency. Three officers of the NFB Student Division shared their experiences working with students throughout the country: Marc Maurer, president; Peggy Pinder, first vice president; and John Halverson, treasurer. Mark Nemmers, president of the NFB of Iowa Student Chapter, presented some details about a most horrific proposal.

In addition to these out-of-state Federationists, approximately twenty-five other speakers were featured from public and private agencies for the blind, State and Federal governmental units, colleges, and

business representatives. Also, blind persons who are students and those who are employed acted as moderators and panelists.

The goal of the conference was to inform high school and college students about a wide variety of services and resources available to them. Emphasis was placed upon providing practical advice and tips. The following topics were covered: services from governmental and private agencies; library and transcription services; income maintenance programs; Federal and State equal employment opportunity law enforcement programs; new technology for the blind; sources of financial aid; the NFB on both the national and State levels; the role of colleges in the lives of blind students; employment; and the NFB Student Division.

That the conference was a success was evident in several ways. One measure is the official registration count of 114, which included over sixty high school and college students. Also attending were parents, teachers, unemployed and employed blind persons, and Federationists. Success was also demonstrated by the tremendous enthusiasm exhibited by those attending, during formal sessions and informal discussions. By way of determining the success of the conference, the participants were asked whether they thought other states should hold similar conferences. The audience responded with a spontaneous burst of applause. The presentation on the Federation was so inspiring that over twenty-five persons became members.

There were many individuals and organizations who gave of their ideas, time, energy, and money and without whom the conference would not have been possible. The innovative idea of a conference of this type came from Mark Harris, who joined the movement last fall and who has brought a new enthusiastic spirit of commitment with him. Rami Rabby devoted a prodigious amount of time and energy to the details of planning the program and other arrangements.

The details of registration and other administrative matters were ably handled by Allen and Ruth Schaefer, Pam Klein, Don Gilmore, and Sharlene Czaja. Much appreciated cooperation was given by the Illinois Office of Education. This department helped with organizational details for the conference and thermoformed the eight-page Braille agenda. Financial assistance to help offset the expenses of the two-day meeting was provided by the Center for Program Development and the Handicapped, City Colleges of Chicago; the Catholic Guild for the Blind; the Hadley School for the Blind; and Vanguard Systems of Springfield.

If interested in more specific details about the conference, write Mary Hartle at 5534 North Kenmore Avenue, Apartment 204, Chicago, Illinois 60640.

Two alarming proposed policies were outlined by Marc Maurer and Mark Nemmers. Marc outlined an idea conceived by some individuals in Indiana of restricting the enrollment of handicapped students to only particularly designated colleges. This concept may be embodied in a bill and introduced into the State Legislature soon. Another proposal, which Mark Nemmers described and which was advanced by persons in Iowa, recommends that all handicapped college students in Iowa be sent to the University of Illinois at Champaign. Unless we take strong action, we may not

be able to stem the tidal waves of such regressive thinking. That is why blind persons need the National Federation of the Blind and why continual vigilance must be maintained if harmful programs and policies, of which the two cited above are only examples, are to be nipped in the bud. □

NFB PRESIDENT RECEIVES BRIAR CLIFF MEDAL

In impressive ceremonies, Dr. Kenneth Jernigan, President of the National Federation of the Blind, was honored by Briar Cliff College. He was commencement speaker at the graduation convocation early in May. Dr. Jernigan warned the graduates that it is not always wise to think that your particular generation is the finest and the best since that attitude leads to complacency and inevitably to non-action in a society which needs active leaders.

The bronze medal, which carries the seal of the school, had the information, date, and name of the recipient inscribed in Braille on its reverse side. It was awarded for "your outstanding contributions to society, to your community, and indeed to the country at large.

The graduation exercises and the award were given much notice in all the news media. □

OREGON BLIND FIGHT DISCRIMINATION IN CHILDREN'S SERVICES

You work at a day care center. You are fully qualified for the job. You can do the work. You have been doing the work. You do everything the job requires. Maybe even a little more. Right? But you can't have full staff status because you're blind. You can't "keep an eye" on those active preschoolers—even though you've been doing so for many months—because you are blind. Besides, there's the safety hazard. The day care center is on the second floor. Everyone knows blind people can't manage those stairs—though you have been using them coming to work and leaving, and sometimes in between and have yet to fall down. Those handrails certainly weren't put there just for you.

So Dottie Tussey Burke, who worked successfully as a day care center mother under a CETA grant, took her problem to her chapter of the NFB and eventually to Ben Prows, secretary of the NFB of Oregon.

Mr. Prows went to work pointing out the facts of life relating to the discriminatory actions against Mrs. Burke to her immediate supervisors, those in charge of the day care center program. James Green, manager of the Family Support Service which licenses day care centers, runs the centers for the Children's Services Division of the State Department of Human Resources. After several months of delaying tactics by the agency and demands for action by the NFB, Mr. Green replied at length, giving the reasons for not hiring the blind. On March 12, 1976, Mr. Prows wrote a polite but candid reply and sent copies to State officials, including Governor Straub.

DEAR MR. GREEN: I have read your letter dated February 24th, and am, at the very least, disappointed. I will be candid because of the importance of the issues you raise. Your comments regarding the relevance of blindness to the ability to work in a day care center show the same lack of understanding which has excluded blind people from many fields of work.

In your letter you say:

> Children's Services Division's primary responsibility is the protection of children and the whole basis of our day care certification program is protecting children. Staff in day care centers must, in addition to having training or experience in working with preschool children, be physically, mentally, and emotionally capable of caring for children. Our *Rules Governing Standards for Day Care Facilities in Oregon* state that "children in a day care program must, at all times, have the full attention of the appropriate number of staff" (page 7). It has been generally accepted that sight is necessary to be fully attentive to the needs of children, as a matter of safety.

No blind person would deny that protection of the children in a day care facility is important. However, the existence or nonexistence of sight should not determine whether a person can give the proper degree of consideration to each child. Mrs. Burke, as well as other blind people, are trained in alternative techniques and skills which enable them to function on an equal level with their sighted peers. Nowhere in your letter do you indicate how or why a blind person cannot give full attention to the children in a day care center. Indeed, you imply that blind people are "physically, mentally, and emotionally" incapable of caring for children. If this is, in fact, what you are saying, I believe you should reconsider your position, because this is an assertion that cannot go unchallenged.

Your letter continues:

> Mrs. Welter, in evaluating Dottie Tussey Burke's qualifications for a position at Albertina Kerr Day Care Center, was told that her sight is very limited and that she is unable to see persons. Thus, her ability to supervise a group of active, unpredictable preschoolers is impaired. Therefore, the decision that Mrs. Burke should not be counted as a supervising caregiver seems appropriate.

It is interesting to note that Dottie's visual acuity is 20/200 in the better eye with correction, which means, in fact, that she can see persons. But this is not the point. *Whether or not Dottie could see at all*, she was working and performing the tasks competently at Albertina Kerr at the time of Mrs. Welter's visit. Instead of examining her qualifications as any other staff member, emphasis was only placed on the fact that Dottie was blind. This kind of arbitrary exclusion by the Children's Services Division solely on the basis of a characteristic which was irrelevant to Dottie's capabilities as a child care giver, is not in the public interest.

Your letter further states: "Another factor considered in the decision was the location of the day care facility, on the second floor of a building which is located in a very busy, hazardous area of Portland." Aside from the fact that there are many blind persons working on the second, the eighth, or the thirty-sixth floors of buildings located in busy areas, I should stress once again that sight is not a factor in determining whether a person can negotiate a stairway. Your *Rules Governing Standards for Day Care Facilities in Oregon* provide "handrails shall be on both sides of stairwells. The stairwell shall be kept clear and free from obstructions." I assume that these safety features are for both staff and

children in the day care facility. A sighted person as well as a blind person can fall down a stairway just as easily depending upon their lack of perception. This is obviously an irrational basis for the decision to deny Dottie the job.

Mr. Green, I have been frank with you because it is important that the misconceptions and the myths surrounding the exclusion of blind people from employment be erased. What I am trying to say to you is that a blind person should not be denied the opportunity to work as a supervising child care giver or as a home day care mother, solely on the basis of blindness. If a person is otherwise competent and qualified to perform the tasks commensurate with the job, exclusion on the grounds of blindness is in fact irrelevant. From conversations I have had with the parties involved, both Dottie and her employers were satisfied with her performance.

You conclude your letter: "We would like to explore this issue further before making any decisions that would be detrimental to blind persons or the children in day care." If you are sincerely interested in making the proper decision in this matter, I would think you would be interested in discussing the matter with me. I would be more than happy to meet with you at your earliest convenience. Please contact me in Portland at 287-5790 or 282-4177 as soon as possible.

I hope that you understand the seriousness of this matter, and that we will continue to work to remedy the situation. Let me say that I bear you no ill will and I hope that you will not take the comments personally. I am convinced that you have the best intentions, and that upon further discussion, this issue can be resolved.

Sincerely,

BEN PROWS,
Secretary, NFB of Oregon.
□

TWO FEDERATIONISTS DIE

April 1976 was not a good month for Massachusetts or for the National Federation of the Blind. Within a few hours of each other, John Nagle and Charles Little left the scene of their labors and triumphant struggles. They will be sorely missed.

JOHN F. NAGLE

John F. Nagle, long-time Chief of the NFB's Washington Office, died in his home in Needham, Massachusetts, in mid-April. Nagle, a Massachusetts attorney, served as Chief of the NFB's Washington Office from 1958 to 1974. During these sixteen years he was instrumental in the preparation and presentation to the Congress (as well as the subsequent approval) of much of the constructive legislation affecting the welfare of the blind in recent years.

Born in 1915, John lost his sight at the age of thirteen and thereafter attended the Perkins School for the Blind. He studied journalism at Boston University for the

next three years, later switching to the law and receiving his L.L.B. degree from Northeastern Law School in 1942. He was admitted to the Massachusetts Bar in 1943 and to the Federal Bar the following year. He settled down to a full-time law practice in Springfield, Massachusetts, which was to claim his professional attention for the next fourteen years. He was a former president of the Associated Blind of Massachusetts and a member of the Executive Committee of the National Federation of the Blind. In 1958 he was named by the NFB to its Washington staff and in that year he was also married to Virginia Clark of Worcester.

John will be sorely missed by his host of friends across the country.

CHARLES W. LITTLE

When he died in mid-April 1976, Charles W. Little was full of years—he was eighty-seven. Until the last few years when his hearing, always impaired, made communication very difficult, Charles Little was a leader in the movement of the organized blind. He served as president of the Associated Blind of Massachusetts and was Secretary of the National Federation of the Blind for two terms.

Charles Little was instrumental in bringing the Massachusetts organization into the national movement. But he did not stop there. In the early 1950's, he participated in recruiting and organizing efforts, spreading the word to other New England states and aiding in bringing several of them into the National Federation of the Blind. He worked diligently in the State House and in other offices of government to improve programs for the blind in his commonwealth with much success. When it came to the national level, Charles Little was equally active. He was instrumental in making arrangements with the Kennedy people for introduction of the Right to Organize bill, worked to have national representatives at our Boston Convention, and made many of the arrangements for public appearances at that meeting. Whether in or out of office, Charles Little worked for the movement.

A musician by training, an insurance salesman by inclination, Charles Little was a successful band leader by the age of twenty-three when he lost his sight. Four years later he entered Perkins School to learn the techniques necessary to continue living actively in the sighted world. His blindness changed the way he did things but it did nothing to dampen his joy of living and doing. He left a rich heritage of improved programs to the blind of his State and the Nation. □

CONFIDENTIALITY AND RELATED ISSUES

BY
MANUEL URENA

Background

Self-Appointed Proprietorship.—In the medical profession and social service occupations, a body of self-appointed proprietorship has developed over a long period of time. Basically, it encompasses the notion that there is a degree of confidentiality, privilege, and confidence between the person served and the provider of services. However, the crucial aspect is that providers take unto themselves the sole judgment as to the conditions under which information is shared with the person served. The problem has been compounded because the providers have developed a "system" in which information is shared with others, either by formal release or by custom, that is not shared with the person served. It has become almost commonplace that this kind of proprietorship extends to practically everybody *except* the person served. Indeed, it may be that this proprietorship has become such a fixture in the culture that it is protected with legal statutes; for example, patient-doctor, clergy-confessor-supplicant. It is this rationale that causes the greatest amount of confusion. Most providers recognize, in one degree or another, the person's right to control the release of information, but there is also the uncritical acceptance of the idea that the party to whom the information is disclosed will withhold it from the person concerned. This point is heavily emphasized because the questions of access and informed consent are paramount issues.

Legal Proprietorship.—The field of rehabilitation has long held that information wholly developed within an agency is solely within the proprietorship of the agency. Further, it has been held that information developed or obtained by purchase or other means outside the agency is even more sacrosanct, whether or not conditions of non-disclosure have been attached to it. In both cases, other ramifications of disclosure or non-disclosure notwithstanding, the client has been systematically, officially, and otherwise arbitrarily excluded from *free* access to the record. It is axiomatic in rehabilitation and other social service fields that the rules of confidentiality are variable, flexible, and subject to expediency except in the instance of access by the person served. This has been held to so rigidly that it becomes clear that very little is really confidential about the client except to the client himself. While this state of affairs has come to pass because of good intentions, it nonetheless constitutes a violation of the client's rights.

The Right to Know.—Another contradiction with regard to the rehabilitation process is the fact that the client is expected to fully cooperate in the process of his own rehabilitation. Cooperation certainly includes the divulging of a great deal of personal information and the formal or informal consent for the agency to obtain other information. In fact, a person unwilling to cooperate in this particular area is usually denied services. This poses a very serious dilemma for the client. That is, if he tells all, then he has no assurance or knowledge that this information is properly and accurately recorded. It would seem only fair

that the client be able to see how the information is recorded and how it is to be used by the agency; for example, what comments has the counselor made in the record concerning the information?

It might be argued that the client who voluntarily seeks rehabilitation services, gives an implied consent to this system. This puts the client in a very awkward position; he has to decide whether or not to play by the rules without knowing the name of the game. What is not arguable is the question of mandatory referrals. There are at least two categories of clients who, under the law, in order to receive benefits under SSI and SSDI programs, must at least make themselves available to have their rehabilitation potential evaluated by a rehabilitation agency. The penalty for not making themselves available or for refusing rehabilitation services, if found eligible, is to have their benefits denied. (It is not the purpose here to deal with the problem of the constitutionality of these provisions.)

Fact or Fiction?—One reason for denial of access is based on the fear of legal or other actions by the client. This has probably arisen more from the medical profession than from other areas. It is reasonable to assume, if there were open access to the record by the client, that doctors, social workers, psychiatrists, rehabilitation counselors, and others would not feel so free, as they have historically, to enter a great deal of information into the record which frequently is of a speculative and inconclusive nature but is presented as fact. The classical, familiar example is when the examining physician or the medical consultant will make a notation: "This client is blind. Should not be placed in work involving machinery." Obviously, this kind of information, especially when passed from one hand to another, becomes seriously inimical to the interests of the client. Clearly, it is the protection of this professional luxury, as well as fear of challenge to the information itself, that has added to the system of denial of access by the client.

Basic Attitudes.—Another major problem in approaching the matter of confidentiality is the standing of the individual served against the standing of the individual or organization providing the service. It is a labyrinth of contradictions. Historically, rehabilitation has functioned on the basis of doing those things believed to be and legally predicated on serving the best interests of the disabled. This is well and good in its conception, but it has been practiced in such a way as to almost contain the seeds of its denial in its very definition. This is so because the disabled person has, from the beginning, been viewed as being somehow so different, special, unique, and debilitated as to have some sort of unusual, peculiar, quasi-legal status. The client has been treated, dealt with, or otherwise encountered as a person *not* having full possession of emotional, intellectual, social competence. Yet, the United States Supreme Court has held that a competent person may act as his own counsel in a court of law. (Certainly, the wisdom of actually doing so is one thing, but the *right* to do so is another.) The problem in the "helping" fields is that the professionals, especially the medical profession, have confused the issue. That is, that the client's right to know is overriden by the judgment of the professional as to what is "good" or "bad" for him/her to know. In many instances, by direct means (fees) or indirect means (taxes, et cetera), a person may actually pay for being kept in ignorance on vital matters concerning himself/herself. The thrust here is that disabled persons have long been

essentially regarded in rehabilitation as "wards" without having the status or the concomitant factors of being wards; particularly without the prime requirement of being so adjudicated in a court of law. This, of course, if thought through to any degree, cannot stand the test of even the most modest exercise of logic. Yet, it is this very deeply ingrained "wardship" notion in the practices of rehabilitation that has brought about many of the issues dealt with in this discussion.

Changing Times

Consumerism.—Over the last several years, there has been a very heightened awareness and turmoil resulting from the broad concept called "consumerism." The public in general, more and more, as well as many organizations that have long been involved, are attempting to overcome the disadvantages thrust upon various segments of our society by customs, mores, traditions, and extralegal and legal practices. Obviously, the thrust of consumerism goes sharply against the established order. Just as obviously, consumerism is coming of age and is having a very substantive and substantial impact on many elements and institutions in our culture. One must believe that it is the wave of the present and the tide of the future.

Snowballs and City Hall.—The other, more recent phenomenon is what might be characterized as a revolution against bureaucracy per se and, more particularly, the expression of dissatisfaction with the practices and malpractices of government. There is little need to dwell on this point. It is clear that recent events on the national scene have effectively brought about a very high degree of suspicion, skepticism, and resistance to the whole fabric of political and governmental practices in this country. It would appear that the average citizen will no longer passively accept the status quo when dealing with the government. The "Freedom of Information Act" is an excellent example of this change.

Confidentiality in Rehabilitation

Perspective.—With the above in mind, it is hoped that the specific points to be discussed will be received in the perspective of past and present attitudes and practices in rehabilitation as well as cognizance of the social and political climates that are with us now.

Federal Regulations.—From a review of the current Federal regulations governing confidentiality in VR programs (Title 45, CFR, Chapter VIII, Part 401, Subpart 1361.47) it appears there is a strong likelihood that a department would not be out of compliance in its state plan in allowing open client access to the case record and recognizing the client's informed consent in *all* matters relating to disclosure from the case record.

Section 1361.47, paragraphs (3) and (4), recognizes the client's right to control disclosure for all purposes except in the administration of the VR program. The exclusion does not necessarily deny client control of disclosure, it simply excludes it because the compounders of the regulations believe, no doubt, that it is expedient to the purposes of VR and in the client's interests that such expediency would not be possible without this exclusion. This is so because 1364.47(4) is intended to ensure what confidentiality is maintained after release to other agencies. Thus, while there may be reasons behind the elements of expediency, the salient fact is that this

regulation does not preclude stronger state provisions as to control of disclosure by the client.

Section 1361.47(5) provides a more difficult barrier to freedom of access by the client. The word "may" clearly makes client access discretionary on the part of the agency and makes it mandatory in the case of an adversary situation. Yet, the adversary situation is severely hedged in in such a way as to remove much of the compulsory element. Specifically, the items under *"Provided"* are judgmental, fall-back positions. The key words here are "relevant" and "harmful." However, a department could take the stance that full, free access by the client is (without qualification) "relevant." Similarly, the judgment that certain information might be "harmful" is within the department's discretion as to non-application of the provision. Thus, there would not be a problem of state plan compliance if the department would adopt a position of allowing full, free access. The section is affirmative in its thrust and intent in the first place. It is the permissive aspects of "may" and the weakening of the "shall" that have allowed agencies to effectively circumscribe the client's freedom of access to his record.

The Law.—The Rehabilitation Act of 1973 is silent on the matter of confidentiality and does not incorporate the subject by any reference. It is true that administrative regulations have the force of law, but the compounding, implementation, and interpretation of regulations are considerably different matters from legislative mandates. That is to say that compliance with administrative regulations is, to a degree, a matter of negotiation and general agreement among parties; for example, the state plan. Certainly, in the case of confidentiality, section 101 of the Act governing the basic provisions of a state plan makes no mention of the subject. Thus, while basically conceived in the interests of the client, section 1361.47 has too many loopholes and too much room for state agencies to put a narrow construction on the regulations; yet, it is equally true that a liberal construction may well be put on these regulations without being held in non-compliance.

Some state rehabilitation agencies follow the policy of allowing access by clients to case files and other pertinent records as well as observing full client volition in terms of both the obtaining and disclosure of information concerning the clients. Such agencies never have been held to be in non-compliance with state plans and/or the Federal regulations governing confidentiality. Significantly, these agencies are highly esteemed by clients and have rarely been involved in client appeals. Certainly, other aspects of the agencies' services have a bearing on this, but the openness and paramount concern for the client's rights in the matter of information are contributing factors.

All other legalistic and formalistic arguments aside, it seems compelling to finally recognize that the proprietary aspects of the vocational rehabilitation program are a matter of mutual concern to both the agency and the client. The historical arguments against this idea, especially the argument that full participation in the process by the client is an abdication of "professional responsibility," have failed to recognize that it is not a question of a diminished level of responsibility on the part of the agency, but rather there ought to be full recognition of the client's proprietary interests. Certainly, the issue of confidentiality is not the only factor involved, but it is among the most crucial. □

PRO'S AND CON'S OF PREFERENTIAL TREATMENT OF BLIND PERSONS

AN ADDRESS BY
JACOBUS tenBROEK

AAWB Convention, Quebec, June 19, 1955

The topic of this discussion immediately suggests the ambivalence, if not the outright hostility, aroused in most of us by the idea of preferential treatment. If it implies unwarranted favors and advantages, as it sometimes seems to, how is such treatment to be justified with reference to the blind, or, for that matter, with reference to any group? If the blind are normal, as they claim, why do they need to be treated differently? If their objective is really social equality and integration, is it not true that preferential treatment serves to perpetuate special status, with all its connotations of inequality and inferiority? Is there anything about the problems of the blind or of blindness which makes necessary or desirable some form of preferential treatment?

"Any class," wrote one blind man, "which demands special privileges soon finds itself a dependent class" and "the blind of America have developed a progressive disease—that of dependency."

We espouse the principle, wrote another blind man, "that the blind are normal and competent people, capable of making their own way, on a basis of equality." Yet at the same time, we ask "special concessions and privileges on the basis that we are helpless and unequal." "We cannot have our cake and eat it too and such measures and propaganda stressing the inequality of the blind are bound to have a most damaging effect upon our primary goal of equality."

Let us begin our analysis of the pros and cons of preferential treatment of the blind at the beginning; that is, by defining the terms used.

Preferential treatment of the blind is treatment which singles out the blind for special favors, advantages, or benefits. In short, it is any special treatment. Preferential treatment may be based on an irrational whim, prejudice, or taste—as when one prefers strawberries instead of blueberries, or when it is said "gentlemen prefer blondes." On the other hand, preferential or special treatment may be based on the possession by the group receiving it of some distinctive talents or unique qualities or peculiar needs having a relationship to a proper public policy or socially desirable objective.

There are no pros, there are only cons, with regard to the preferential treatment of the blind which is founded in irrational whim, prejudice, or taste; and the blind cannot rightly claim, nor do they generally want, mere favoritism, public or private, any more than they claim or want the opposite: discriminatory disadvantage, guilt- or shame-motivated rejection, kindness-inspired overprotection, or unthinking exclusion. The pros and cons of preferential treatment founded in special qualities or needs of the group depend in each individual instance upon three factors: (1) upon a faithful determination and accurate evaluation of the special qualities or needs of the blind; (2) upon a correct appraisal of the public policy or social objective sought to be achieved by the particular preferential

treatment; and (3) upon the adaptation of means to ends, that is, upon whether the means are proper and there is a close and substantial relationship between the special qualities and needs of the blind, on the one hand, and the policy or objective, on the other.

The other term that must be defined is "the blind." Who are the blind? What is blindness?

The term blindness in its literal denotative sense means loss of eyesight; the absence of visual acuity. It refers to a strictly physical condition. The blind, then, are simply those who cannot see. Nothing more, nothing less!

The term blindness, however, also has a wider connotative sense. In this sense, it refers to restricted social and economic contact, opportunity and activity. To be stripped of eyesight is to be shorn of full-fledged membership in society.

The difference between the denotative and connotative meanings of blindness is exactly that between disability and handicap. Disability refers to a physical deprivation; handicap to the social consequences of that deprivation. The distinction may be seen in the fact that there are many disabilities which carry little or no handicap, such as the chronic laryngitis of Andy Devine, the undersize of jockeys, or the oversize of basketball players. Likewise, there are handicaps with no disability, such as the black skin of American Negroes or the religion of the Jews in Nazi Germany. Disability is properly the concern of medical science. We can do little about the physical fact of blindness except to cure it or live with it. But it is not blindness alone that we live with. We live with the other people, which is to say we live in society. It is society which creates and imposes the handicap of blindness for it consists of the misconceptions of the sighted about the nature of the physical disability. The principal misconception, the one that embodies and epitomizes all the rest, is that blindness means helplessness—social and economic incapacity; the destruction of the productive powers; the obliteration of the ability to contribute to or benefit from normal community participation; in short, the lingering image of the helpless blind man.

Three comments about the social handicap of blindness are particularly in order: (1) To place responsibility for it upon the sighted is not to speak in terms of blame or recrimination. Far from it! The misconceptions are sanctioned by a society motivated mainly by benevolence, wishing above all else to be kind and helpful. (2) Wherever, as happens with increasing frequency, an individual blind person breaks through the social barriers, his success is likely to be attributed to his possession of special genius or compensatory powers either superhuman or supernatural which leave the overall image of blindness intact. (3) Public attitudes about the blind inevitably become the attitudes of the blind. The blind see themselves as others see them. They accept the public view of their limitations and thus do much to make them a reality.

Most people exaggerate the physical and underemphasize the social aspect of blindness. Our distinguished and able chairman, Father Carroll, has defined blindness in terms of twenty lacks and losses. I am one of Father Carroll's numerous admirers. But I admire him more for his willingness to prepare a list than for the list he has prepared. It seems to me that he falls prey to the common fallacy. Note what a large percentage of the items on the list refers to the

physical fact of blindness and its immediate physical and personal consequences; what a small percentage refers to the broadly social. What may be known hereafter as Father Caroll's Lacks and Losses reads as follows: (1) loss of physical integrity; (2) loss of confidence in the remaining senses; (3) loss of reality contact; (4) loss of visual background; (5) loss of "light"; (6) loss of mobility; (7) loss of visual perception: beautiful; (8) loss of visual perception: pleasurable; (9) loss of ease of written communication; (10) loss of ease of spoken communication; (11) loss of means for informational progress; (12) loss of recreation; (13) loss of technique, daily living; (14) loss of career: vocation, goal, job opportunity; (15) loss of financial security; (16) loss of personal independence; (17) loss of social adequacy; (18) loss of obscurity, anonymity; (19) loss of self-esteem; (20) loss of total personality organization.

I would not have you believe that I underassess the importance of the physical disability. Without sight, the range of perception is narrowed. Objects which can be seen from afar must be near at hand to be discernible by other senses. And the blind person who has not scuffed his shins on low-lying implements and toys carelessly left on the sidewalk or stumbled over a curb, or bumped his head on an overhanging awning or branch has never left his armchair. These are undeniably embarrassing or uncomfortable experiences; but they are properly to be classified as minor annoyances or distractive nuisances like shaving in the morning or removing your glass eyes at night. In my experience, blind people who are willing to move and put one foot out in front of the other always somehow get where they want to go.

In any event, the main point is that the real affliction of blindness is not the physical disability or its immediate consequences but the social handicap. It therefore becomes most important to analyze the precise nature of the handicap. Of what does it consist? What are the elements which compose it? What does it mean to be excluded from society? What are the rights of membership of which the blind are thus deprived?

To answer these questions one must identify the main features of American society, for it is denial of participation in these which constitutes the handicap of blindness. The process of answering the questions therefore is one of resurveying American social and political thought and constitutional ideals, one of restating the principles, doctrines, and concepts that are contained therein.

The task of restating American social and political assumptions and goals is complicated by a number of facts and factors. Major American social and political principles, such as the dignity of the individual, liberty, equality, and private property, are so intermingled and overlapping that it is difficult to separate any one of them for single treatment.

Emphasis on the various elements has shifted at different periods in our history, in the documents which have embodied and expressed different movements, forces, and times, and among the prominent political writers and speakers. Equality was the dominant note in the Declaration of Independence. Property assumed relatively a stronger position in the Constitution. During the nineteenth century when fortune and geography gave the Nation military safety, and free land and the open frontier gave individuals a sense of economic safety, security was assumed and liberty was elevated into a primary position. Today, as

Ralph Henry Gabriel writes, "When the traditional foundations of culture crumble, . . . when government by law gives way to government by irresponsible force, the preoccupation with liberty as an end in itself is replaced by a new search for security, mental, social, economic, and even physical."[1]

Sometimes, indeed, going far beyond mere shifts in emphasis, the elements are presented as irreconcilably contradictory. Read for example this passage from William Graham Sumner: "Let it be understood that we cannot go outside this alternative: liberty, inequality, survival of the fittest; non-liberty, equality, survival of the unfittest. The former carries society upwards and favors all of its best members; the latter carries society downwards and favors all its worst members."[2]

Finally, the task of stating American social and political principles is made difficult by the fact that they are not fixed and immutable, as the laws of the Medes and the Persians were reputed to be. To the extent that they are a living reality in a developing democracy, they are constantly growing, maturing, and changing. Every generation, every decade is a formative period in the constitutional life of the Nation. In our generation, the creative interpretation and application of American social and political principles in the sphere of international organization and in the social and economic sphere are in process.

Yet, despite these difficulties in stating them, the major elements in the set of widely accepted and persistently enduring political principles and social ethics are identifiable and subject to description and characterization. The "easily remembered" formulations can be found in the landmark documents of our history. These documents not only express and embody movements and periods of the past but are as well basic forces of government in the present and for the future. They include the Declaration of Independence, the Northwest Ordinance, the Preamble to the United States Constitution, the state constitutions, the Civil War amendments to the United States Constitution, and the more famous pronouncements of the United States Supreme Court.

(1) *Liberty.*—In American political thought, liberty has many aspects and sources. It is both positive and negative. It is political, economic, personal, and, in a broad sense, social. It is founded by some in positivism; by others, in natural law; by still others in moral law. It sets in equilibrium constitutionalism and democracy.

In part, liberty consists in protection against the will of the majority, no matter how regularly manifested and how lacking in oppressiveness or arbitrariness. In this aspect, it is embodied in an array of restraints on governmental action and the organized power of society. The existence of a constitutionally arranged governmental structure and distribution of powers, in fact the existence of a constitution at all, implies a system of limited government. The Constitution, too, contains many explicit prohibitions on government. Though some exist elsewhere in the Constitution, the Bill of Rights and the other amendments are, of course, a catalogue of these. Among them are the protection given life, liberty, and property, the requirement of established and regular procedures by government, and the guarantee of immunity from unreasonable intrusions into the privacy of one's person, house, papers, and effects. The many safeguards against improper conviction for crime refer not only to the technical aspects of criminal justice, but bespeak

the basic right of personal freedom; i.e., freedom to move about as one pleases and to be not subject to surveillance and custodialization by the agents of the state. Likewise, freedom from slavery and peonage is decreed, implying not only self-ownership but free labor and the right to the rewards of labor.

A dominant part of American social and political thought has always been a notion that these rights, thus fixed in the Constitution, are the indivestible possessions of individuals even when not so guaranteed. Whether derived from natural law, moral law, higher law, or various other concepts about the fundamental nature of man and society, this notion has found constant expression throughout our history. Its standard formulation is in the Declaration of Independence: "[T]hat [men] are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness." These rights governments were instituted to secure and protect, not to create and confer.[3]

The concept that rights which are regarded as very important are somehow natural rights or derive from a higher law results from a philosophic view which has lost much of its persuasion and support in recent decades. The Founding Fathers, however, and most American statesmen down through the Civil War period, made it their starting point. Natural rights thus became inextricably woven into the fabric of American social and political thought and popular belief. They lurk just below the surface of many of our state papers, judicial pronouncements, and political orations of today. Of those Americans who do not accept this particular philosophical concept most still insist upon the great importance and basic character of the rights proclaimed.

So far, I have spoken of the constitutional side of constitutional democracy. The democracy side is a positive aspect of liberty. It has to do with the individual's right to participate in government, in the determination of social direction and policy. Its foundation is the doctrine of popular sovereignty and the consent of the governed. Its implementations are the right of suffrage, the right to seek and hold office, and the right of the majority to rule. Its indispensable conditions are freedom of speech, press, and assembly.[4]

Liberty is positive in another phase besides that of the co-sovereignty of citizens of a republic. Government is responsible for the protection of the rights of the individual. This cannot be wholly achieved by the government itself refraining from invading them. It must prevent others from invading them. It must eliminate and control the conditions which nullify them or make their exercise impossible. It must foster, promote, establish, and maintain the conditions which make their exercise possible and significant. This is especially true if the right is active rather than passive; if it involves doing and not just being; acquiring and not just having; speaking and not just listening. Congress, as Webster declared in his famous debate with Hayne, is under an obligation to exercise the powers delegated to it in the Constitution for the purpose of achieving the objectives set forth in the Preamble of the Constitution—to "establish justice, insure domestic tranquility, to provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity . . . ."[5]

Men have a right to life, to personal freedom, and personal security. They have the right to marry, have and rear children, and to maintain a home.[6] They have a right, so

far as government can assure it, to that fair opportunity to earn a livelihood which will make these other rights possible and significant.[7] Men may not be bound to the place of their poverty and misfortune; they may move freely about the country in search of new opportunity.[8] They have a right freely to choose their fields of endeavor, unhindered by arbitrary, artificial, and man-made impediments.[9] They have a right to enter the common trades, callings, and occupations of the community. They have the right, if they are free, to manage their own affairs as they see fit, unless and until there is interference with the equal rights of others to manage their affairs or there is injury to the welfare of the community.

"It is not enough," wrote the President's Committee on Civil Rights in 1947, "that full and equal membership in society entitles the individual to an equal voice in the control of his government; it must also give him the right to enjoy the benefits of society and to contribute to its progress. . . . Without this equality of opportunity, the individual is deprived of the chance to develop his potentialities and to share the fruits of society. The group also suffers through the loss of the contributions which might have been made by persons excluded from the main channels of social and economic activity."

(2) *The Dignity of Man.*—Deeply imbedded in this concept of liberty is a democratic view of the individual, of his role in society, relation to the state, essential dignity and worth. It is the individual who possesses rights which are fundamental and inalienable. He is at the beginning and the end of the state. He organizes it and gives it authority. Its powers are conferred to protect his rights and to assure the conditions necessary for their maximum expression. The state exists for his benefit, not he for its. "In democratic society," wrote Charles Merriam, "regard for the dignity of man stands behind the throne of public order, a constant reminder of the need for liberty and justice as well as order, a constant plea that the human personality shall not be forgotten in the multiplications of laws, in the ramifications of administration or in the antiquarianism of formal justice."[10] Democracy breathes respect for all men and seeks to preserve their individuality and autonomy. This spirit is violated wherever men are alienated or sheltered from the mainstream; not only in the overt gestures of rejection but in the sentimental embrace of patronage and protection. Humanity is degraded and individuality disparaged by treatment of the person as a unit in a category determined by irrelevant traits, defined and measured not in unique terms of personal character and achievement but in the stereotype terms of physical, or national, or racial difference.

(3) *The Rights to Property and to Contract.*—The rights to property and to contract have likewise been regarded as fundamental in the American system. The right to property along with life and liberty is listed as one of the three great rights of all free men in Chapter 39 of the Magna Charta. It appears thus also in the American state constitutions, early and late, in the Northwest Ordinance of 1787, in the United States Constitution, Amendments V and XIV, and elsewhere.[11]

The rights to liberty, property, and contract are interlocking if not interchangeable concepts. The right to contract is sometimes stated as an incident to the right to property; sometimes as an independent aspect of liberty. Property is described by some as sufficiently broad to incorporate all other

rights of individuals, including liberty; and liberty is often regarded by others as broad enough to encompass the right to acquire, use, and enjoy property. The three rights of liberty, property, and contract are thus intimately associated in American thinking.[12]

Property and contract rights are not unlimited; but on the contrary, are subject to public control in the public interests. They may be abridged, and, in some cases, destroyed altogether, if that is necessary to protect the community against injury or danger in any form, against fraud, or vice, or economic oppression, or serious public inconvenience, or depression, or other disasters. The power to control is coextensive with the social and economic activities of men. It finds its limit in the nature of the acts forbidden or required and its justification in the direct relation of these acts to the public welfare or to the equal property rights of others.

The power of the state over property and contract rights, however, is not merely negative or incidental to the power to legislate for the health, safety, morals, and general welfare of the community. The basic character of the right and the purpose of government regarding it cannot be minimized or ignored. That purpose, as in the case of liberty, is to protect and preserve, maintain, and nurture the right. The power to regulate the use of property and contract, consequently, may not, save in very rare and special circumstances, be converted into the power directly to take property and contract rights. And in discharging its primary and affirmative duty with respect to these rights, the state must keep constantly in view the essential values of private property in our system. It is a central factor in the organization of society. It is an impelling source of motivation. It is a principal incentive for productive activity. It is a reward for labor and contribution. It is at once the object of individual enterprise and success and the means of achieving success. And contract is the form of expression and governing instrument, not only of most business activity, but as well of most of the transactions of daily life.

(4) *Equality.*—Only second to liberty itself in our history has been the ideal of equality. In fact, equality has always conditioned liberty and determined its character just as liberty has always conditioned equality and determined its character. In the Declaration of Independence, the first of the "self-evident truths" is that all men are created equal; and all men are equally "endowed by their Creator with certain inalienable rights," "among which are life, liberty, and the pursuit of happiness."

Alexis de Tocqueville, in 1835, described equality in America as "the fundamental fact from which all others seem to be derived and the central point at which all my observations constantly terminated." In his view, it gave "a peculiar direction to public opinion and peculiar tenor to the laws; it imparts new maxims to the governing authorities and peculiar habits to the governed." It "extends far beyond the political character and the laws of the country, and . . . has no less effect on civil society than on the government; it creates opinions, gives birth to new sentiments, founds novel customs, and modifies whatever it does not produce."[13]

Equality, even more than liberty, stood in the forefront of the historic struggle in the Nation to abolish property in man and the institution of slavery; and, along with liberty, emerged in the Civil War amendments to the Constitution. The Thirteenth

Amendment, freeing men from slavery and nationalizing the right of freedom, nationally guaranteed what slavery denied: the equal right of all to enjoy protection in those natural rights which constitute freedom. The Fourteenth Amendment, in the three redundant clauses of Section 1, reembodied these same objectives and added an explicit guarantee of the equal protection of the laws, thereby adding another confirmatory reference to the self-evident truth that all men are created equal and are equally entitled to the protection of government in the enjoyment of their natural and inalienable rights.[14]

Like liberty, equality has many phases. One of them relates to the doctrine of proper classification. The laws must be aimed at the achievement of a public and constitutional purpose. They may not be motivated by hatred, vengeance, favoritism, or private gain. Legislation framed with a discriminatory purpose, manifesting "an evil eye and an unequal hand" contains an elementary antagonism to the idea of the equality of men. Once legislation is endowed with a public and constitutional purpose, it still must meet other tests. Because there are real differences among men, regulation would be altogether ineffective if it had to apply to all or none. The law must therefore be selective. But to be equal, it must treat all those similarly situated alike. The differences between men that underlie selection must be real differences and must bear an intimate relationship to the purpose of the law and valid social goals. All other differences are irrelevant and must be ignored. "Class Legislation," said Justice Field in summing up this doctrine, "discriminating against some and favoring others, is prohibited, but legislation which, in carrying out a public purpose, is limited in its application, if within the sphere of its operation it affects alike all persons similarly situated, is not within the amendment."[15]

Another phase of the idea of equality is the rule of law. If all men are created equal and equally possess certain rights, and if governments are instituted to secure and maintain those rights, and men therefore are equally entitled to such protection, the protection can only be afforded by uniform rule, that is, by law. One way of putting this is the expression "Equality before the Law." Another way is in the celebrated words of the Massachusetts Bill of Rights: "That the government of the Commonwealth may be a government of laws and not of men." Thus, in this aspect, the doctrine of equality is in effect a command that the government act by established and regular procedures and by uniform rules. It is a command that the purely personal, the arbitrary, capricious, and whimsical, be reduced and eliminated from the exercise of power. It is a command that the rules be fixed and announced in advance in a way which will make them freely and publicly available. it is a requirement of a degree of certainty and predictability in government action and of a system of rights growing out of uniform rules. It is finally an order that administrators as well as legislators act within these confines.

In still another phase, equality is not negative and procedural but positive and substantial. Anatole France referred to "the majestic equality of the laws which forbid rich and poor alike to sleep under the bridges, to beg in the streets, and to steal their bread." But the demands of equality are not met by the equal treatment which results from the absence of the laws or from the indiscriminate application of the laws to those who are dissimilarly situated. Moreover, the demands of equality

are not exhausted by the doctrine of classification and the rule of law. The equal protection of the laws refers to the quality of the laws as well as to the mechanics of their operation. The reign of equal laws involves as well the reign of just laws, and the maintenance of equality in the enjoyment of rights is at the heart of the system of justice. Equality thus must be the very purpose of governmental action and policy as well as a test and measure of its means. It must "give direction to public opinions," determine the "tenor of the laws," impart "maxims to the governing authorities," and modify "whatever it does not produce."

Particularly is the government under a duty to guarantee equality of opportunity. Without that, freedom itself cannot last and becomes an illusion. The only aristocracy that a system founded upon equality can tolerate is an aristocracy of personal merit and achievement. Uniformity and regimentation, on the one hand, and status, influence, and power based on birth, social position, or inheritance, on the other hand, are equally incompatible with equality. Equality of all men presupposes respect for the rights of others. In a society of equals, therefore, men are free to be different. All limitations on opportunity, all restrictions on the individual based on irrelevant differences of race, color, religion, national origin, sex, and the like, are in conflict with equality and must be removed and forbidden. Access to the mainstreams of community life, the aspirations and achievements of each member of society, are to be limited only by the skills, energy, talents, and ability he brings to the opportunities equally open to all Americans.

From what I have said so far, a number of propositions emerge:

(1) Preferential treatment of the blind based on favoritism, privilege, whim, prejudice, patronage, pity, charity, self-interest of others, or feelings of like or dislike cannot be justified and indeed does a great deal of harm. On the other hand, preferential treatment which takes account of the special qualities or needs of the blind or aspects of their situation not shared by others, which is aimed at a desirable social objective and which employs proper means properly adapted to this purpose is not only justifiable preferential treatment but is treatment which should be at the foundation of all public and private policy toward the blind.

(2) Blindness has a dual aspect: the physical and the social. The first is the disability; the second is the handicap. Treatment of the disability is a medical task. Overcoming the handicap is the function of rehabilitation.

(3) The handicap consists mainly of the misconceptions of the sighted about the physical disability which result in social exclusion. In all but the physical sense, and even to some extent in that, it consists of a loss of full membership in society; a denial to the blind of the rights and goals which others share—liberty, equality, property, dignity.

(4) Overcoming the handicap of blindness, therefore, means removing the bars, exclusion, and denials of which the handicap consists: conferring on the blind the title deeds of social freedom and membership; the rights of liberty, equality, property, and dignity; in short, their reintegration into society.

(5) Programs which address themselves to this purpose or which move in this direction, while they necessarily involve preferential treatment, meet all the tests and

standards set up for good policy. Such special arrangements might better go by the name of equal treatment. Indeed, to lift from the backs of the blind the special, heavy, and unnecessary burdens which society has caused them to bear and to call this preferential treatment can hardly be regarded as anything but the bitterest irony. Programs which move in the opposite direction, which accept and build upon the public misconceptions about the nature of the physical disability, which presuppose the incapacity and abnormality of the blind and which institutionalize that presupposition in segregation and custodialization—all programs, in other words, which continue or intensify social exclusion or which are motivated by patronage, charity, whim, prejudice, or self-interest involve preferential or special treatment which increases the handicap. They perpetuate the very attitudes and conditions which they should be designed to prevent.

(6) Preferential treatment is also justified which: (*a*) tends to ameliorate the immediate physical consequences of the physical disability of blindness; or (*b*) pending the day when integration has been achieved, mitigates the financial and other consequences of social exclusion or offsets the disadvantage resulting therefrom by means which do not further entrench the public misconception or which do so as little as possible.

(7) To be consistent with the standards dictated by the basic principles of our social, political, and constitutional system, programs for the blind must:

(*a*) Allow the blind to manage their own personal affairs and proceed on the assumption that they are capable of doing so.

(*b*) Not only permit the blind, but stimulate and encourage them to develop their potentialities, share in the fruits of society, and contribute to its work and progress.

(*c*) And to do this, not only permit, but stimulate and encourage the blind to work, to engage in individual enterprise, to exercise free judgment and free movement in the search for opportunity, freely to choose their fields of endeavor and to enter the common callings, trades, occupations, and professions of the community.

(*d*) To stimulate and encourage the blind to do these things by relying on the normal incentives, principal among which are financial remuneration and the improvement of one's economic lot and social status.

(*e*) Permit, stimulate, and encourage the blind to acquire, enjoy, and use property, real and personal, not just for immediate consumption purposes but as a motivational source of endeavor and a means of economic improvement.

(*f*) Protect the essential dignity of the individual: by recognizing the worth of the human personality and treating it as a community asset rather than a community liability; by supplying aids and services without humiliation, without undue intrusion into the privacy of the recipient, without imposing upon him the badges and indicia of a needy and special status, without subjecting him to the personal judgments of social workers influenced by humanity, charity, approval, or other emotions; by making possible a standard and circumstance of living not conspicuously different from that enjoyed by the rest of the community; by leaving recipients free to make their own decisions as to spending, living arrangements, and personal matters.

(g) If the demands of equality are to be met, public financial aid must be granted as a matter of right, the element of personal discretion exercised by administrators and welfare workers must be eliminated, the amount and conditions of the aid must be specified in uniform rules made accessible to recipients and prospective recipients and sufficiently exact so that recipients may determine to what they are entitled and what their responsibilities are. Legislative and administrative standards must be established which are uniformly applied, which treat all welfare recipients alike who are similarly situated with respect to a valid purpose of the welfare law, and which vary the amount and the condition of the grant when there are real differences among recipients in terms of their relationship to the welfare program. Finally, equality requires—as does liberty the dignity of the individual and the essential notion of property—that the purpose of the welfare law be opportunity as well as security. Relief rolls should provide relief; but they must also provide the means of escape from them. Reintegration into society through open and equal access to the mainstream of community productive activity must be an object of welfare law and a measure of its adaptation if the fundamental political and constitutional principles of our system are to be honored in the fact as well as held out in the promise.

Measured by these standards, evaluated in the light of these considerations, how do our programs and provisions for the blind prove out? The answer must be mixed. Some programs are well adapted to these principles; others poorly; and still others are in flat contradiction of them. Unfortunately, some of the most important programs fall into the latter two categories.

The rapidly growing and recently created system of orientation and adjustment centers—focusing on mobility training, personal care, prevocational manual skills, and the development of attitudes which make these other activities possible and fruitful—are properly oriented and adjusted to reduce the immediate physical consequences of the disability of blindness, to uproot the conviction of incompetence, and to impart self-confidence, hope, and a zest for living.

The home teacher system, though hampered by the need to deal with the blind person in his home and then only in occasional short visits, substantially moves in the same direction as the orientation center. It is most effective when used as a case-finder for the center and otherwise works in close collaboration with it. It is least effective when it emphasizes handicraft as mere busywork or when it teaches Braille to clients who will never have any use for it.

White Cane laws, now enacted in almost all the states, by giving the blind a legal position in traffic and moderating the discriminatory harshness of the contributory negligence rule, make meaningful for the blind the human and constitutional right of free movement, just as the cane itself makes more meaningful the physical capacity of free movement.

What about good vision requirements established in many laws and regulations dealing with jobs, licenses, and the like? Some of these are, of course, perfectly in order. Where sight is indispensable to the performance of the task—as in hunting with a gun, driving a truck, or working as a photographer of wildlife for the National Park Service—the blind are legitimately excluded. Where sight is not indispensable, as is the case in thousands of jobs public

and private from which the blind are now barred—the continued exclusion of the blind can have no special justification. In many of these cases, the bars remain up because those who tend them have only their misconceptions to guide them.

Laws and regulations giving preference to blind persons with respect to jobs are not mere favoritism if they are based on the special qualifications of the blind to perform the tasks assigned. This is clearly so when the blind are called upon to work in or administer programs affecting the blind. In that circumstance, blindness is an enabling asset endowing the worker with special knowledge, experience, and the confidence of his clients which probably cannot be secured in any other way than by being blind. Of course this enabling asset should be given determinative weight only when other things are equal. For the blind to be given preference in other situations in which blindness does not contribute to the ability to do the work would be as unjustifiable as to discriminate against the blind in jobs in which blindness does not detract from the ability to do the work.

What about vending stands for which the blind are given rent-free locations on public property, in connection with the establishment of which they are given a preference and protection against vending machine competition, and with respect to the operation of which blindness is not an enabling asset? These special arrangements will not withstand merited criticism once the blind have achieved a footing of complete economic equality. Until that time arrives, however, the vending stand program is preferential treatment which is justified as a small offset to almost universal economic discrimination against the blind; and one in which bona fide jobs are provided for qualified blind workers at comparatively negligible cost to the public; and one in which the blind are presented to the public in an aspect of competence and normality. If the management of the vending stand programs is to be consistent with the standards above discussed, it must keep supervision and control at an absolute minimum; allow the operator to purchase his stand and equipment with only an option to repurchase by the public; give the operator complete independence in the management of his business affairs retaining only the power to revoke the license if the operator proves incompetent or becomes publicly obnoxious; protect the operator's profits against confiscation for the support of supervisory personnel or sub-marginal stands which the administrators have mistakenly established in unprofitable locations. The control system, on the contrary, reflects the custodial attitude toward the role and the abilities of the blind, a conviction that the blind are incapable of running their own businesses and incompetent to lead their own lives.

Let us turn next to public assistance. Liberty in the direction of one's affairs, the whole basic principle of self-management, is violated by the means test. Under it, the individual recipient soon loses control of his daily activities and the whole course and direction of his life. The capacity for self-direction presently atrophies and drops away. With each new item budgeted or eliminated, with each new resource tracked down and evaluated, the social worker's influence increases. This is an inevitable concomitant of the means test. It results from the nature and extent of the system. It is bred and nourished by the provisions of the statutes and the rules issued under them. It is in the flexible joints of the cumbersome machinery. It is in the detail and

intimacy of the investigation. It is in the inescapable confinements of the budget. It is in the idleness, defeatism, and waning spirit of the recipient. Whatever the social worker's wishes and intentions, her hand becomes the agency of direction in his affairs. The "concern of assistance with the whole range of income," wrote Karl DeSchweinitz, "always contains a threat to the freedom of the individual. Even when there is no conscious intent to dictate behavior to the beneficiary, the pervasive power of money dispensed under the means test may cause the slighted suggestion to have the effects of compulsion. 'Whose bread I eat, his song I sing.'"[16]

Not only is liberty violated by the means test but so also are dignity and equality—and for many of the same reasons. Dignity is jeopardized by the initial financial investigation, by the searching inquiry into every intimate detail of need, living habits, family relations, by the setting up of a detailed budget of expenditures subject to repeated examination and review, by the continuously implied and often explicit threat that if behavior is uncooperative or unapproved, aid will be reduced or stopped, by the wholesale substitution of agency and social worker controls for the personal direction of personal affairs, by the unwarrantable intrusions into privacy involved in each of the foregoing and the galling humiliation of the whole process, and, finally, by the constant tendency of the whole system to push living standards down below a minimum of decency and health.

The excessive individualization of the whole design and process of means test aid is fundamentally antithetical to the idea of equality. A system which makes so much depend upon a minute examination of every aspect of the individual's situation necessarily involves personalized judgments by officials and invites arbitrary and whimsical exercises of power, prevents the enforcement of a uniform rule even when the legislative provisions and administrative regulations are detailed and exact, renders it impossible for the recipient himself to determine to what he is entitled, constitutes the very thing intended to be prevented by the idea of "a government of laws and not of men," and flies in the face of basic requirements of proper classification. Since with respect to the purposes of public assistance law most individuals are parts of groups standing in the same relationship, those who are similarly situated are not treated alike and real differences are frequently disregarded.

Means test aid also violates the notion of individual opportunity, access to the mainstream of community productive activity and normal incentives. Since means test aid requires that all income and resources of the recipient be applied to meet his current needs, and since the public assistance grant is reduced by the amount of any such available income or resources, the usual financial motive for effort and endeavor is removed from the recipient unless the recipient can gain enough and with sufficient certainty to be independent of the relief rolls.

Granting aid as a matter of right contradicts practically all of the tendencies inherent in the means test and produces a system more consonant with the political and constitutional assumptions and goals of American democracy.

Aid as a matter of right requires the establishment of fixed and uniform rules specifying the terms and conditions of the grant. Thus the principal features of the system must be laid down by the legislature.

This contrasts with the means test variable grant, based on individual need individually determined by the administrative agency under discretionary authority conferred by the legislature. Those who are similarly situated are therefore necessarily treated alike and under standards comparable with those governing assistance to other groups in the community.

Granting aid as a matter of right protects the liberty of the individual to manage his own affairs and conduct his daily life free of authoritarian controls and caseworker supervision.

It protects the dignity of the individual. He is treated as a member of a class entitled to be dealt with in a manner determined by law, not by individualized administrative discretion. The occasion is eliminated for invasion of the individual's privacy, supervision of his personal behavior, and humiliating probing into the intimacies of his life; and a seminal principle is established which stands as a barrier to all such actions.

Finally, rehabilitation. The primary task of vocational rehabilitation, as I have said, is the overcoming of the social handicap—not the physical condition. It consists in the creation of an environment within society, within public programs, and within the blind themselves, which will be in the fullest sense conducive to normal livelihood and normal life. It involves opening up the channels of social participation; that is, enabling the blind to enjoy the benefits of socially determined standards of liberty, equality, property, and dignity. Its time-tested tools are vocational orientation, vocational training, counseling, and guidance which stimulates and opens up horizons—and finally, of course, placement in remunerative employment in the common callings, trades, pursuits, and professions of the community.

In the proper conceptions of its function as well as in the use of these time-tested tools the vocational rehabilitation program of the United States must in large measure be pronounced a failure. The hope and opportunity are to be measured in miles; the actual accomplishment must be measured in inches.

Rehabilitation so far as the individual rehabilitant is concerned is a complex process in which mental and emotional elements are predominant. It involves myriad adaptations not merely physical in nature but social and psychological. In effect, the entire personality must undergo reconstruction; the blind person's conviction of his own incompetence accepted from the public misconception must be uprooted; a rebirth, a new act of creation must be wrought. In this process, ambition, hope, and self-reliance are essential ingredients. Consequently, rehabilitation by the command of the counselor, or submission to his attitudes and preferences, or by the coercion which results from conditioning public assistance upon it is a contradiction. It is therefore futile. It is as futile as ordering a person to restore his emotional balance while adding to the very factors which cause the unbalance. Since the objective of rehabilitation is restoration to a normal useful role in society, the standards of success are in large measure culturally determined. The rehabilitated person, thus, is one for whom the assumptions and goals of the community have become as significant as for others, who has in fact achieved equal opportunity to enter the calling of his choice, to acquire, use, and dipose of property, to exercise the right of personal independence, and to operate on the other

assumptions and principles before listed. Just as the habits of freedom are not learned by experiencing slavery, so ambition is not learned by destitution, self-management by authoritarian controls, incentive by denying the hope of gain, or self-respect by second-class citizenship. Rehabilitation by command or coercion cultivates the very traits which frustrate and prevent rehabilitation. A rehabilitation program which continually impresses upon the client a sense of his helplessness and dependency, which enshrouds him in an atmosphere of disbelief, doubt, and defeatism, and which exhibits attitudes of guardianship and custodialism, must inevitably sap the fibre of self-reliance, undermine hope, deter self-improvement, and destroy the very initiative which is indispensable to rehabilitation. Rehabilitation by stimulation, by opening up new horizons, by assisting the client in the achievement of goals of his own choice, by incentives carefully planned to encourage productive activity by the expectation of normal rewards—retention of earnings, improvement of standards of living, accumulation of real and personal property—places rehabilitative effort in conformity with the political assumptions, economic impulses and behavioral standards imposed by democratic thought and current social knowledge.

Optimistic and skillful counseling, built on personal experience with the handicap and its problems, is required to accomplish this delicate work. Under the present program such counseling has not been supplied. On the contrary, too often rehabilitation officers have themselves subscribed to the conviction of the incompetence of the blind. Little has been done under the present program to halt the tendency of shunting the disabled into a limited series of stereotyped occupations, to provide a staff which will have and exhibit full confidence in the blind, and which will aid the blind to enter fields of their own choosing. Little has been done under the present program to strengthen placement as an inescapable function of the rehabilitation agency. For the blind this is the arduous culmination of a long and arduous process. It cannot be accomplished by automatic referral to employers. It can only be accomplished by the application of highly specialized and individualized techniques of affirmative contact with employers, aggressive seeking of employment opportunities, personal demonstration, and follow-up. Little is done under the present program to remove the obstructions to employment of the physically handicapped which exist in the public mind, in the statutes, ordinances, administrative rulings, judicial decisions, and institutional practices. Above all, the true nature of the handicap and the elements which compose it, particularly the social and the psychological as distinguished from the physical and medical elements; the proper functions and goals of rehabilitation; the relationship of disability to dependency, especially economic dependency; the part presently played and properly to be played by public financial aid under social insurance and public assistance in the process of rehabilitation; the determinative character of the reintegrative objective and the bearing upon it of liberty, equality, property, and dignity—these basic and urgently pressing questions have never been sufficiently analyzed by the responsible officials in vocational rehabilitation.

Until this whole pattern is changed, until a great deal is done to reorient the training and functions of rehabilitation workers, to strengthen guidance and counseling services, to improve techniques and focus rehabilita-

tion attention on the placement of rehabilitants in competitive employment, and to remove legal, administrative, and other obstacles to the employment of the blind in the public service, the trades, professions, and common callings of the community—until that happy day rehabilitation of the blind is likely to continue to be measured in inches and not in miles.

Americans are familiar with the unhappy divergence between creed and conduct in many phases of our national life. Myrdal's observation of the disparity between social equality as a cherished political norm and our unequal treatment of the Negro is but one instance of a pattern that is all too pervasive. The field of blind welfare provides another, one which has been less noticed but is not less conspicuous or significant.

FOOTNOTES

1. Gabriel, *The Course of American Democratic Thought* 22 (1940).

2. Sumner, *The Challenge of Facts and Other Essays* 25 (Keller ed., 1914).

3. For illustrative statements of this doctrine see Johnson and Graham's *Lessee* v. *McIntosh*, 8 Wheat 543, 572 (U.S. 1823); Story, *Misc. Writings* 74 (1835); Justice Matthews in *Yick Wo* v. *Hopkins*, 118 U.S. 356 (1886); Justice Cardozo in *Palko* v. *Connecticut*, 302 U.S. 319, 325, 328 (1937); see also Justice Murphy dissenting in *Yamashita* v. *Styer* 327 U.S. 1, 26 (1946).

4. Winston Churchill speaking at Fulton, Missouri, March 1946.

5. Under the general power of the states, often called the "police power," wrote Justice Barbour in *City of New York* v. *Miln*, 11 Pet. 102, 139 (U.S. 1837), "it is not only the right, but the bounden and solemn duty of a state to advance the safety, happiness and prosperity of its people, and to provide for its general welfare . . . ." Said Justice Field in *Barbier* v. *Connolly*, 113 U.S. 27, 31 (1884), "[N]either the [Fourteenth] amendment—broad and comprehensive as it is—nor any other amendment, was designed to interfere with the power of the state . . . to prescribe regulations to promote the health, peace, morals, education, and good order of the people, and to legislate so as to increase the industries of the state, develop its resources, and add to its wealth and prosperity."

6. See *Meyer* v. *Nebraska*, 263 U.S. 399 (1923).

7. *Truax* v. *Raich*, 239 U.S. 33, 41 (1915). Justice Hughes there said, "It requires no argument to show that the right to work for a living in the common occupations of the community is of the very essence of the personal freedom and opportunity that it was the purpose of the amendment [Fourteenth] to secure."

8. *Edwards* v. *California*, 314 U.S. 160 (1941).

9. *Truax* v. *Raich*, *supra* note 7; *Allgeyer* v. *Louisiana*, 165 U.S. 578 (1897).

10. Merriam, *The New Democracy and the New Despotism* 84-85 (1939).

11. Justice Chase in *Calder* v. *Bull* 3 Dall. 386 (1798); Chancellor Kent, 2 Kent Comm. 1 (1827).

12. *Braceville Coal Co.* v. *People*, 147 Ill. 66 (1893).

13. DeTocqueville, *Democracy in America* 3 (1945 ed.).

14. tenBroek, *Antislavery Origins of the Fourteenth Amendment* (1951).

15. *Barbier* v. *Connolly*, 113 U.S. 27 (1885).

16. DeSchweinitz, *People and Process in Social Security* 56-57 (1948). □

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NFB TESTIFIES ON OASDI

BY

JAMES GASHEL

Editor's Note.—The testimony which follows was presented by James Gashel on behalf of the NFB before the Subcommittee on Social Security of the Way and Means Committee, U.S. House of Representatives, on April 28, 1976.

Mr. Chairman, again it is my privilege to come before you and this subcommittee. My name is James Gashel. I am Chief of the Washington Office of the National Federation of the Blind, the Nation's only membership organization of the blind having a state affiliate in each state and the District of Columbia. Here in Washington we are located at Suite 212, Dupont Circle Building, 1346 Connecticut Avenue Northwest.

Mr. Chairman, as I represent the National Federation of the Blind here today, I speak for a membership organization of more than fifty thousand Americans, who have an important stake in the deliberations and decisions of this subcommittee. Most of our members are themselves blind, and many of them depend on programs such as Social Security to meet their basic subsistance needs—the requirements for food, clothing, and shelter. Today there are approximately ninety thousand blind and visually disabled citizens in America who receive monthly disability cash benefits from Social Security, and the number of blind persons who benefit from other Social Security-administered programs—such as retirement, survivors, and health insurance programs—far exceeds this figure.

The problem which we are all concerned about in this significant series of hearings is coverage and termination of coverage of governmental and non-profit organization employees under the Social Security system. The original OASDHI program covered only employees in industry and commerce, representing less than sixty percent of the labor force. Under present law the system approaches universal coverage as nine out of ten persons who work in gainful employment participate.

Thus the plan, conceived and enacted in 1935, has been broadened in a series of stages, and our present discussion should be seen as but a logical extension of this trend. Mr. Chairman, the National Federation of the Blind commends you for calling these hearings to explore this vital and timely subject.

I say a vital subject because as you know, so many Americans, particularly those age sixty-five and over, are beneficiaries—according to recent statistics approximately eighty-nine percent of persons over age sixty-five receive regular monthly Social Security payments.

The subject is, of course, timely for a variety of factors not the least of which is the alarming trend toward withdrawal from coverage by those groups participating on an optional basis as provided for under Section 218 of the Social Security Act. Clearly a review of the present law is in order.

In making that review, Mr. Chairman, we must try to arrive at the best possible strategy for providing adequate protection to all workers, not only in terms of suitable retirement programs, but also for meeting the individual's needs in the event of disability, the needs of the family in the event of the death or disability of the wage earner and for meeting the medical costs which may accompany these other circumstances.

The strategy which makes the most sense to us is that which has been recommended by the Quadrennial Advisory Council on Social Security in its report transmitted to the Congress on March 7, 1975. In making its recommendations, the Council considered a number of alternatives but came in on the side of universal compulsory coverage for all citizens. We share the view, Mr. Chairman, that making the system universal but covering all the gainfully employed under OASDHI is the best assurance that the American worker and the American family have continuous protection during all phases of the working career and that adequate retirement benefits would be available to all who have earned them.

According to data produced by the Social Security Administration a total of 322 covered groups have actually been terminated since 1959, and 207 more are pending termination through December 1977. We believe that it is no coincidence that these incidents of withdrawal or notice of intent to withdraw have dramatically increased as public criticism of the system has reached its peak and talk of both short- and long-range deficits has spread abroad in the land. It would be tragic, indeed, if this scare psychology were to operate as the basis for deciding to withdraw.

In our judgment, all too often there is a failure on the part of public groups to make a thorough and probing analysis of the actual or potential effects of termination. Generally, an unsophistocated bit of research will reveal that a group could purchase a retirement plan from a private carrier at a rate less than that paid by the employer and employees jointly in FICA taxes, but this fails to take account of the full impact of trading Social Security coverage for the typical private pension plan.

Of particular interest to us, Mr. Chairman, is the disability program which protects employees who are blind or those who may become blind or otherwise disabled. Often it is argued that the members of a public group are just as well off to terminate Social Security coverage as long as the majority of them have achieved fully insured status and would be eligible for at least the minimum benefit payments upon their future retirement. What is overlooked in using this simplistic appraisal is that workers in groups which have terminated will eventually lose entitlement to disability income protection and also to the Medicare benefits which are potentially available to them after two years of eligibility for disability insurance cash payments. If one considers the substantial monthly payments which may be lost due to termination of the group (these payments for an individual, his spouse, and two dependents may exceed $600 per month), the bargain of a few more dollars in his pay envelope may not be so attractive after all.

Related to this discussion, of course, is the fact that Social Security has the advantage of portability—that is, an individual worker can move with freedom from job to job and be assured of taking his coverage along, thus maintaining entitlement to the full range of cash benefits and potential Medicare elegibility. In the alternative struc-

ture, where various plans are available, a kind of patchwork system obtains which tends to restrict workers from fully exercising freedom of choice in job selection. Making the Social Security system universal for all workers would have the advantage of providing a base on which other pension plans could build.

Indeed, this concept that Social Security could serve as a floor underpinning other available programs was a part of the original thinking, and the trend has been in that direction. We would like to see that trend continued since it is the most equitable for society as a whole and since it is sound economically in terms of maintaining the integrity of the Social Security system.

Universal coverage is equitable in the sense that all workers would have the advantage of a basic income protection program which is comprehensive in nature. Universal coverage would resolve the matter of inequities which now exist where some individuals experience reduced benefits resulting from changes in their employment status and coverage under various plans, while others are able to maneuver to reap a windfall profit from Social Security, having paid in for only a short period of time, just long enough to gain eligibility for retirement benefits.

Universal coverage is a sound economic policy too, since it would result in a more rational relationship in retirement benefits and past earnings experience. Under the present structure, which affords an opportunity for obtaining Social Security coverage while making minimum contributions, retirees are able to receive a substantial pension often greater than their earnings immediately prior to retirement. Mr. Chairman, we are certainly not opposed to adequate and sensible retirement programs which are necessary for meeting expenses which continue after employment has ceased, but we are also concerned about maintaining viable Social Security programs to meet other pressing needs, particularly those of the blind who depend financially on disability insurance. Much improvement needs to be made there, and we hope the subcommittee will be addressing those issues at an early date.

According to best estimates, making Social Security coverage universal for all citizens would offer some advantage in financing, resulting in a reduction of costs in the amount of approximately .25 percent of taxable payroll. When we consider the negative impact of the potential withdrawal of several million workers, it becomes imperative that the Congress must move further toward a universal system.

Mr. Chairman, we know of the constitutional and other arguments which would have the subcommittee maintain the status quo, but we do not find them compelling. We believe that Social Security has proven itself to be a dynamic system capable of responding to the needs as they develop. We are confident that the subcommittee will recognize this and act in such a way that the withdrawal syndrome will not continue to threaten the viability of this meaningful program. □

OREGON CONVENTION

BY

PATTI SHRECK

Activity, Growth, and Effectiveness, the AGE of Federationism, was appropriately the theme of the sixth annual convention of the NFB of Oregon, held March 19-21 in Eugene. This was a convention which displayed more growth of unity, purpose, and commitment to ideals than has ever existed here before.

More than seventy-five people had registered by the time President Jeff Brown gaveled the convention to order Saturday morning for the day and a half of activity. A fine and impressive list of speakers addressed the assembly; the press and local television gave coverage.

Midmorning on Saturday, conventioneers joined in a half-hour conference call with Eugene's Congressional Representative James Weaver in Washington, D.C. Weaver said he had talked with our Washington representative, Jim Gashel, and that he would gladly cosponsor and urge hearings on our Disability Insurance bill (H.R. 281). He also said he would investigate further the NAC issue with Commissioner of Education Bell.

Highlighting the afternoon sessions was a forum on our ever-present NAC. The "distinguished" NAC panelists were Mrs. Carol Derouin, president of the Oregon Council of the Blind and a representative of the ACB on NAC's board; as well as the president of the Philadelphia Center for the Blind and NAC Board member Hal Bleakley; and, of course, our NFB representative, Second Vice President Ralph Sanders.

Mrs. Derouin began the panel by saying that she was going to present the "facts" about NAC, which *Monitor* readers had never received. She said that NAC's purpose was to "upgrade the quality of agencies serving the blind through the establishment of standards of service for such agencies." Her remarks were filled with the usual NAC doctrine of presenting a "pretty" picture in the hope that it might eventually be accepted.

Mrs. Derouin, like her NAC colleagues, would have had us believe that NAC's standards are meaningful, are strictly enforced with all agencies, and that agencies for the blind are clamoring their support for NAC. And that, of course, NAC is operating with its usual devotion to "professionalism."

Hal Bleakley told the audience that he had accepted a position on NAC's board because he saw the need for higher standards of services among the agencies for the blind. His disappointment with NAC began at his first meeting with the NAC Board, held at the O'Hare Inn at Des Plaines, Illinois, in 1973. He said he attended an "orientation" meeting of new board members conducted by NAC's then executive director, Alex Handel. The hour-long meeting, he said, was intended to provide new board members, many of whom had had no previous involvement with agencies for the blind, with a complete overview of the field of work with the blind.

His next strong impression of NAC was created by the presence of some several

hundred Federationists who had come from throughout the country to picket the meeting.

Bleakley said that when he became president of the Philadelphia Center for the Blind he threw out NAC's self-study materials which his predecessor had started processing and worked with Ted Young and the Liberty Chapter of the Federation in determining which services needed to be improved.

Bleakley recounted his participation in the ad hoc committee of NAC which had developed recommendations on consumer involvement. When the report was brought to the NAC Board he said he admonished his colleagues that there were two choices before them. They could choose partnership with blind consumers and have growth and success or they could choose to ignore the blind and commit "suicide." He said he felt NAC had made its choice clear.

Ralph Sanders said that after Mrs. Derouin had presented NAC's fiction it was time to be honest and look at the facts. Mrs. Derouin claims, he said, that NAC upgrades services through its standards. "The facts seem quite different," he said.

Sanders explained that in 1975, Blind Industries and Services of Maryland was up for reaccreditation. The BISM board voted to not seek accreditation largely because the agency was on the verge of bankruptcy and they felt that the fees could not be afforded. Blind Industries was providing a very low level of services to the blind of Maryland. Instead of NAC questioning the agency's operations, Sanders said, they offered to allow the agency to withhold the payments of its fees until 1976. "I find it hard to see how this involves standards, or has any promise of upgrading services for the blind."

Sanders said that a recent analysis of NAC's list of accredited agencies reveals that since 1972 very few agencies have been willing to accept NAC accreditation. "It has become a small, closed family of friends," he said. Most of the recent activity has been the reaccreditation of the original group of agencies. At the present rate, Sanders said, it will take NAC approximately 180 years to complete its self-proclaimed goal of upgrading services for the blind.

During the question-and-answer period, Sanders asked Mrs. Derouin if she thought NAC's "professional" approach was being followed by its executive director Dick Bleecker when he involved himself in the internal political affairs of AAWB and tried to interfere in the internal affairs of the National Council of State Agencies for the Blind. Mrs. Derouin responded that she was not aware of any such activities by Mr. Bleecker.

Perhaps the memory of Ralph will be best recorded by Oregonians with the phrase he used in addressing Mrs. Derouin on the question of NAC: "If it looks like a duck, walks like a duck, quacks like a duck, then we ought to call it a duck."

Carol Derouin may have learned something of the truth about NAC's indiscretions and of its beloved Dick Bleecker. One has to wonder, however, how so many of NAC's iniquities could slip by anyone who is informed, and Mrs. Derouin does profess to be a *Braille Monitor* reader.

Bob Pogorelc, Director of the Oregon Commission for the Blind, was on hand throughout the convention and pledged to

work closely with the organized blind movement in Oregon.

At that evening's banquet, two scholarships for three hundred dollars each were awarded: to Kim Young, a freshman at Oregon College of Education, and to Mary Lou Harris, a sophomore at Rogue Valley Community College. The first awarding of a perpetual fundraising trophy was presented to Shirley Potter and Glen Muilenburg of the Blue Mountain Chapter. Ralph Sanders then delivered a spirited, fire-and-brimstone Federation banquet speech.

The assembly passed nine resolutions this year, one reaffirming our commitment to bringing about the passage of the Disability Insurance bill, and one making even more firm our commitment to work with the Oregon School for the Blind toward disaccreditation.

Representative Grace Oliver Peck, responsible in 1949 for the establishment of the Oregon Commission for the Blind, was present at her first NFB convention and made a landmark step forward by finally announcing publicly her support and willingness to work with us on the restructuring of the Commission board.

Saturday afternoon also brought with it elections. Patti Shreck is now NFB State president. Ben Prows is first vice president. Bob Blizzard, new leader on the NFB scene, was elected second vice president, and Jeff Brown is now secretary. Laurie Marvin was elected treasurer. Two new board members, Jack Polston, originally of California, and Willie Freeman of Portland, were also elected.

The 1976 convention of the NFB of Oregon may well have been a key turning point for the organization in this State, for it presented an organization more mature, more aware, and more prepared to "man the barricades" than we have ever been before.

We have reached the AGE of Federationism in Oregon. □

RECIPE OF THE MONTH

BY

BEVERLY WEDDLE & CATHERINE LAMBERT

FLORENTINE BRUNCH EGGS

Ingredients

18 hard cooked eggs
2 packages frozen chopped spinach
2 packages grated parmesan cheese
1 quart milk
2/3 cup flour
3 tablespoons butter or margarine
Salt and pepper to taste

Method

Defrost spinach, place it in a saucepan, sprinkle it with 1½ tablespoons flour, add ½ cup milk, salt and pepper. Cook over medium heat stirring constantly until almost done. Spread the spinach evenly on the bottom of a 13"x9½"x2" ovenware dish.

Peel the eggs, slice them crosswise with an egg-slicer, being careful to keep them in their whole shape; place the eggs side by side on the bed of spinach. Cover with cheese sauce, dot with butter, sprinkle with remaining parmesan and bake at 350 degrees for 30 minutes.

Cheese Sauce.—Place 6 tablespoons flour in a quart jar with a tight-fitting lid; fill the jar with milk and shake vigorously to blend. Place 2 tablespoons butter in a saucepan and melt over medium heat; add flour mixture and cook until it thickens, stirring constantly. When the sauce is smooth and thickened, remove from heat and add parmesan (reserve a little to sprinkle over the top). Stir to mix thoroughly and pour the sauce gently over the eggs. Serves six.

Note.—This dish can be prepared early and popped into the heated oven when your guests arrive. □

MONITOR MINIATURES

In our last issue we wrote of the successful decision handed down by the United States District Court for the Eastern District of Pennsylvania in the Gurmankin case. The school district is now appealing that decision. Jonathan M. Stein, attorney for Miss Gurmankin, will continue his services on the appeal. He is in need of information on any blind teacher who did or who even thought about applying for a teaching position in the Philadelphia area. He must show that there is a "class" or group of blind persons who might apply or who did apply for teaching positions—or his task will be very difficult. If need be, call him collect at his office—(215) 893-5378—or at his home—(215) 732-8769. Those interested in having the decision of the District Court may obtain a copy by writing to our NFB Offices, 218 Randolph Hotel Building, Fourth and Court Streets, Des Moines, Iowa 50309.

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You are all invited to attend the sixth national blind teachers meeting of the NFB Teachers Division to be held on Monday, July 5, 1976, at 1:15 p.m. at the Biltmore Hotel in Los Angeles. We have planned a truly outstanding agenda featuring a discussion of the topic "Affirmative Action and the Blind Teacher." Dr. William Glasser will discuss the subject "The Blind Teacher and Schools Without Failure." Representatives from the Los Angeles City School System will also be on the program. This year's meeting will be concluded with an hour-long discussion of the coordinators for the handicapped and the supposed services

which they provide to "their" handicapped students. Please make plans to attend this exciting meeting and also to stop by the exhibit table hosted by the Teachers Division. We expect to have some interesting and delectable items for sale. See you then.

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For more than two years now, there are three regulations of the Social Security Administration which continue to give the NFB real concern. First, it is provided that the ineligible or working spouse can retain only $78.90 a month of his or her earned income for his or her own support before all of the balance is considered as being income to the SSI recipient. Second, a regulation provides that property used as a home in excess of a market value of $25,000 ($35,000 in Alaska and Hawaii) renders a person ineligible for SSI, irrespective of any encumbrances. Finally, another regulation provides that a blind person with a plan for achieving self-support may have exempted additional income and resources for a period up to eighteen months, and an extension, if necessary, for an additional eighteen months, and an overall limit on this exemption not to exceed forty-eight months if the plan involves an educational objective.

These policies are set by the Secretary of Health, Education, and Welfare who is given discretion in these areas by the Social Security Act. We believe that each of these policies is unduly restrictive and works a real hardship on blind SSI recipients. In early April two representatives of the NFB traveled to Baltimore to discuss in detail with a group of Social Security Administration officials our objections to these rulings. Unless they are drastically revised and liberalized, it would seem that the only recourse would be to seek the help of the Congress in removing these areas of discretion from the Secretary and substituting specific provisions in the Social Security Act itself.

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April 22, 1976, was Harold Reagan's last day at the snack bar in the Jefferson County Courthouse in Louisville, Kentucky. Reagan had served as manager of the stand since August 11, 1934, which was more than two years prior to the passage of the Randolph-Sheppard Act. It was during the time of the Great Depression. Harold was told that if he wished to operate the stand, he would have to secure the money that was necessary for the venture. Harold borrowed fifteen dollars and modestly started the stand, which became the first stand in the State Business Enterprises Program.

On April 27, 1976, Judge Todd Hollenbach, the County Judge of Jefferson County, asked Harold to attend the meeting of the Fiscal Court of Jefferson County for a presentation. Judge Hollenbach stated that Harold had been around the Courthouse so long that he had become "a kind of institution" around there. He asked Harold to come up front and sit in the judge's chair and explain to the Court and other guests present how he had started the stand in the Courthouse. Then Judge Hollenbach presented Harold with a beautiful picture of the Courthouse where Harold had operated his stand for more than forty-one years. He also presented Reagan with a picture of the *Belle of Louisville.* Judge Hollenbach, or to be more exact, Admiral Hollenbach commissioned Harold as Honorary Captain of the *Belle of Louisville.*

Harold plans to do a lot of reading, some research work, and to have a lot of fun

during his retirement. The Stand Operators are planning a retirement dinner for Harold on May 21.

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Blind People in the News.—**Gina Lewis** who works as a telephone receptionist for Educational Service District 110 in Seattle, Washington, thanks to a light probe tailored to fit the specific demands of her job by the Telephone Pioneers. **Anne Kudes**, who does more on her job as nurse's aide at Kane Hospital than most. She teaches her elderly blind patients Braille, and sees that they have reading materials in recorded form along with supervising their physical exercise. **Howlett Smith**, who conducts the band for "Me and Bessie," now running on Broadway. CBS recently did a documentary special on him. Another musician is making it big in his area with his versatile performances and his own band because of the reawakened interest in ballroom dancing, proms, and debutante balls. He is **Phil Bennett**, who also writes and does a lot of recording. Graduating magna cum laude from Stanford University, being a member of Phi Beta Kappa, and a master's degree from Harvard in education still didn't make the going easy for **Mrs. Einwen King-Smith.** But she is now teaching despite the attitudes of public school administrators about blindness. It would seem that each new applicant for a job must be able to convince each administrator—which is an answer to why an NFB. **Mr. and Mrs. Frank Smith** of Boise, Idaho, adopted a blind boy six years ago and he is now the third eldest in a family of six children. His father, who is blind, works for the Idaho Commission for the Blind. The story of Ricky Smith's becoming one of the "Smith brothers" recently appeared in the *Idaho Statesman.*

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Many places around the country are now offering judo, karate, and other self-defense methods to blind people. The instruction is proving helpful and the classes increasingly popular, especially in large urban centers.

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A special study group has recommended thirty major legislative and administrative changes to improve the SSI program. The five-member panel was appointed by former HEW Secretary Caspar W. Weinberger in April 1975 to analyze the SSI program and suggest ways to improve its effectiveness. In 1975, 4.3 million people received SSI benefits totaling $5.75 billion. Some of the more important recommendations were: elimination of the one-third reduction in payments to recipients who live in someone else's household. Only cash contributions should be counted as income. The report also called for faster action on SSI applications. It also recommended that Social Security broaden the criteria for deciding presumptive disability, a preliminary judgment that allows applicants to get checks while their medical condition is evaluated. Presumptive disability also should be extended to the blind. Other recommendations included a wide range of administrative changes in simplifying procedures, eliminating payment errors, and improving automatic data processing systems.

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A 6.4 percent increase for the 32 million Americans receiving Social Security benefits will be made effective July 1, 1976. This represents the average increase in the cost of living between the last quarter of 1975 and the first quarter of 1976 over a year earlier, as provided for in the Social Security Act. □